9/6/69

Dear Dick,

Those things you say in your letter of 9/2 about the comments in mine on the cartridge cases are undoubtedly true. If I did not misspeak myself and do not recall what I wrote incorrectly, it was my point not that I have proved something but that a real expert should study what I think I saw. These are consistent differences that may or may not be from different pressures. It is my belief they can be from wear on the rifle between the times of firings.

Last night I was in town and looked for a cleaning rod. There was an overpriced one for a 22 and an oversized one I felt I could afford. I have not made a special trip to the gun shop because they'll have only expensive, new stuff.

So, I haven't forgotten. I'll make one from a coathanger when I can take time to dig up my heavy pliers.

On the other things in your letter, thanks.

John has sent Paul the Frazier testimony and Paul will make copies because he can do it for less. Read it carefully.

In haste,

Harold Weisberg

CC Nichols, Schoener

2 Sept 69

Harold:

I have your recent letters to Nichols and Archives regarding your recent trip and the cartridge cases.

I must clear some misconceptions lest you waste time on things that cannot bear fruit.

Disregard differences in the microscopic markings on the primers. Differences always occur, and never have any significance as long as the similarities are sufficient to establish positive identification. The reason is that there are many factors that influence the character of such marks-- the ridges on the bolt face are but one of those facors. Among the rest are included such things as the hardness of the primer (which may vary from primer to primer), the amount of head-space at the time of firing (this often varies from shot to shot in old rifles), accidental marks that occur on the primers before firing, and many other factors which make it absolutely certain that cartridge cases fired in the same rifle always show differences. It is for this reason that many firearms examiners do not prepare visible exhibits for courtroom presentation, but rely on their expert qualifications. Lawyers sometimes use such differences (which are always visible in comparison photos) to confuse the jury and discredit the expert.

On the basis of my observation of my own photos and those in the hearings, I am sure that all the cases were fired in rifle C2766. And probably that they were all fired under the same pressure.

There is no way of telling when they were fired, or in what sequence they were fired.

The location of the firing pin at the side of the firing pin hole in the bolt face is not significant either. The firing pin of the M-C rifle is cylindrical and (as far as I can tell from cut-away drawing) free-floating, so it can be espected to rotate slightly from shot to shot. Thus in two cases fired in the same M-C rifle, you might see the marks in the firing pin impression lining up in one way, and the marks on the rest of the primer (marks caused by the bolt face) lining up in another way.

What confuses me is the presence of numerous marks on the brass portion of the bases of the three evidence cases and no corresponding marks on the brass of the two test cases. Certainty about these matters is not possible without direct observation of the cases under a microscope, and perhaps what occurs is not abnormal. There is a possibility that the evidence cases are reloads, but I tend to discount it for reasons which I explained in a previous letter. It might be possible to determine this with a microscopic examination, but mere pictures will not do. If I see them again at the Archives I might be able to tell with just an eyeball examination. In any case I tend to think it unlikely.

All that is certain so far is that Frazier misidentified the parts of his exhibits. Accusation of more than that in court might be embarrassing.

No word from Dempsey yet.

Still,

Dick

Bernabei

P.S. (see over)

P.S. I just talked with a photo buff here and showed him Nichols' pictures of CEs 562 and 564. He could not detect anything which indicates that both pictures were made from the same negative. Certain defects in the pictures caused him to think the pictures were made from different negatives.

This line of inquiry appears to be washing out. If I can, I'll check further.

P.SS. Enclosed is $10 — further return on what I owe you. My record indicates that I now owe you $25.

cc. Nichols
Schorsch